THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.824 of 2007

Dated:08.02.2007

Between:

T.Narayana Murthy.

...Petitioner

and

The District Collector and another.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.824 of 2007

ORDER:

The case of the petitioner is that his grandfather, late Tikala Chinnaiah, purchased the land admeasuring Ac.1.24 cents in Survey No.122/3 situated at Chinnamoshidiwada Village of Pendurthy Mandal in Visakhapatnam District in 1943. The land was also registered in the revenue records and the petitioner obtained pattadar pass books from the second respondent. The petitioner further states that in August 2005 the second respondent conducted enquiry and dropped further proceedings. In spite of the same, the second respondent again started proclaiming that the land would be distributed to landless poor persons. The petitioner alleges that respondents are bent upon of dispossessing the petitioner without due process of law. Therefore, he filed the present Writ Petition seeking a writ of mandamus for declaration and direction.

Learned Assistant Government Pleader for Revenue (General-A) after getting instructions submits that the land was assigned to the petitioner's father and as per the terms and conditions of the assignment, the land is heritable and not alienable. However, the petitioner has alienated the land to others. He, however, does not dispute that if the land is to be resumed, the respondents are bound to follow

the necessary provisions of law either under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, or relevant Board Standing Orders, which has not been done so far.

Therefore, the Writ Petition is disposed of observing that unless and until due process of law is followed as indicated hereinabove, the petitioner cannot be denied the right to enjoy the property. No costs.

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(V.V.S.RAO, J)

08.02.2007
vs